

Exhibit 32

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc., et al.,
Civil Action No. 01-12257-PBS

Exhibit to the July 24, 2009, Declaration of George B. Henderson, II
In Support of United States' Common Memorandum of Law in Support of Cross-Motions for
Partial Summary Judgment and in Opposition to the Defendants' Motions for Summary
Judgment

Washington, DC

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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IN RE: PHARMACEUTICAL : MDL NO. 1456
INDUSTRY AVERAGE WHOLESALE : CIVIL ACTION
PRICE LITIGATION : 01-CV-12257-PBS
THIS DOCUMENT RELATES TO: :
U.S. ex rel. Ven-a-Care of : Hon. Patti B. Saris
the Florida Keys, Inc. :
v. :
Dey, Inc., et al. :
No. 05-11084-PBS :

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(captions continue on following pages)

Videotaped deposition of LARRY REED

Volume V

Washington, D.C.

Thursday, October 2, 2008

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1 Q. There really is no way you could ever
2 sit here and explain why a state decided to enact
3 the EAC that it chose to do?

4 MS. OBEREMBT: Objection.

5 THE WITNESS: Other than by looking at
6 it on the state plan by plan basis, I can't think
7 of a way at this point that I could go back and
8 know that information.

9 BY MR. MERKL:

10 Q. Now, in terms of approving state plans,
11 do manufacturers or information from
12 manufacturers play any role at all?

13 A. I'm sorry. In what way?

14 Q. That's what I'm asking you. I mean, do
15 you ever get any information from manufacturers
16 at all that you look at in evaluating a state
17 plan or a state plan change?

18 MS. OBEREMBT: Objection.

19 THE WITNESS: Not that I'm aware of.

20 BY MR. MERKL:

21 Q. So again, in your whole history of
22 looking at and evaluating state plans, you never

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1 relied on any information that came from the
2 manufacturers?

3 MS. OBEREMBT: Objection.

4 THE WITNESS: The information that we
5 would get from manufacturers would not be part of
6 the reimbursement system. The information that
7 we get from the manufacturers would be part of
8 the rebate program, the AMP data, the best price
9 data. So within -- answering your question, we
10 do not look at the AMP or best price data when
11 looking at a state plan.

12 BY MR. MERKL:

13 Q. When you sat down and would evaluate,
14 you wouldn't necessarily pull it out, is that
15 what you're saying?

16 A. Yes. So we would not look at that --
17 the manufacturer data would be manufacturer
18 specific. The state plan would be generally for
19 all drugs.

20 Q. But you yourself had access to the AMP
21 information, correct?

22 A. Yes.

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1 Q. Who else in your shop who evaluated
2 state plans had access to the AMP information?
3 Besides you?

4 A. Okay. I think generally all analysts
5 had -- that worked on the rebate side would have
6 access to that information.

7 Q. Are those the same people evaluating
8 the state plans?

9 A. I'm not saying everybody is, but
10 probably most are.

11 Q. Okay. So most of the people who are
12 evaluating the state plans had access to AMP
13 information, if they chose to look at it?

14 A. I'm trying to think of time periods as
15 well. Depending on the time period, and what
16 they were working on at the time, that -- the
17 ones that were working on the rebate and the
18 payment side could have access to the AMP data.

19 Q. And those were the same people who were
20 analysts on the plan changes, right?

21 A. Probably in most cases.

22 Q. Now, the states, you don't -- do you